

REGULAR CITY COUNCIL MEETING

OCTOBER 29, 1984

PRESENT

Grant S. Nielson	Mayor
Don Dafoe	Council Member
Gayle Bunker	Council Member
Craig Greathouse	Council Member
Neil Dutson	Council Member
Ruth Hansen	Council Member

ABSENT

Dorothy Jeffery	City Recorder
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OTHERS PRESENT

Jim Allan	City Manager
Doyle Bender	City Treasurer, acting as Recorder
Warren Peterson	City Attorney
Tom Hamilton	Postmaster, Delta Post Office
Don Graham	
Daniel W. Kosciulecki	
Bryce Ashby	Delta City Fire Chief
Don Daley	
Fred Tolbert	City Cafe
Rick Farnsworth	City Cafe

Mayor Nielson called the meeting to order at 7:00 p.m. and stated that the notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette, and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda forty-eight (48) hours prior to the meeting.

MINUTES

After reviewing the proposed minutes of September 17, 1984, Council Member Don Dafoe MOVED to approve the minutes as corrected. Council Member Ruth Hansen SECONDED the motion, which passed unanimously.

After reviewing the proposed minutes of a Public Hearing held September 24, 1984, Council Member Ruth Hansen MOVED to accept the minutes of the Public Hearing, September 24, 1984, as presented. Council Member Gayle Bunker SECONDED the motion, which passed unanimously.

After reviewing the proposed minutes of the Special City Council Meeting held October 22, 1984, Council Member Don Dafoe MOVED to adopt the minutes as presented. Council Member Gayle Bunker SECONDED the motion. The motion carried unanimously.

ACCOUNTS PAYABLE

The Council discussed the accounts payable, after which Council Member Don Dafoe MOVED to pay the accounts payable, excluding the bill from West Side Grading in the amount of \$3,844.50 until that expenditure is verified. Council Member Ruth Hansen SECONDED the motion, which passed unanimously.

CITY MANAGER JIM ALLAN: MILLARD COUNTY FIRE DISTRICT

City Manager Jim Allan stated that he had attended the Millard County Commission meeting to discuss the proposed Millard County Fire District and found that there are four communities that did not submit letters to join the Fire District. They are: Delta, Fillmore, Garrison, and Oak City. He reported that Commissioner Styler felt that the matter should be dropped rather than table the issue until a later date. Commissioner Styler said in that meeting that if the communities want to be a part of a fire district, they will have to take it upon themselves to initiate that process, as Millard County will no longer push to establish a Fire District.

FRED TOLBERT: REQUEST FOR APPROVAL OF BEER LICENSE AT CITY CAFE

Fred Tolbert appeared before the Council for approval of a Class C Beer License for the City Cafe. Mr. Tolbert submitted a letter of recommendation from Chief Cooper, 5 character reference letters, and his application for a beer license.

Council Member Gayle Bunker MOVED to approve a Class C Beer License for the City Cafe. Council Member Craig Greathouse SECONDED the motion, which passed unanimously.

There was some discussion on the cost of a beer license. The Council noted that the standard charge is \$300 for one year; however, subsection 9-114.E. of Revised Ordinances of Delta City (1981 Edition), as amended, states that the fee can be waived and a charge can be made for 1/2 year and that the beer licenses have to be renewed January 1 and cannot be transferred. The Council Members noted that the previous owners of the City Cafe have already paid the \$300 fee for 1984. The Council felt it would not be fair to charge the new owners \$150 for 1/2 year since the new owners will take over with only three months in the year. It was felt that Fred Tolbert should be charged a quarterly fee.

Council Member Craig Greathouse MOVED to reduce the beer license fee for the City Cafe to \$75 for the balance of 1984. Council Member Don Dafoe SECONDED the motion, which passed by a unanimous vote.

TOM HAMILTON: PROPOSED NEIGHBORHOOD POSTAL BOX UNIT PROGRAM

Tom Hamilton, Postmaster for Delta, Utah, was asked to give the U.S. Postal Service position on the latest draft of the Neighborhood Box Unit easement agreement. Mr. Hamilton reviewed and said he accepted the latest proposed neighborhood postal box unit easement contract.

Council Member Craig Greathouse thereupon MOVED to approve the Neighborhood Right-Of-Way Agreement and authorize the Mayor and the Deputy Recorder to sign the contract. Council Member Gayle Bunker SECONDED the motion, which passed unanimously.

COUNCIL MEMBER CRAIG GREATHOUSE: DISCUSSION OF ACCOUNTS PAYABLE PROCEDURE

Mr. Craig Greathouse said a question had been raised whether Delta City should be paying by invoice or by statements. Council Member Greathouse said he had called Salt Lake City to see what their accounts payable procedure is because of their large amount of purchases. He said Salt Lake City pays by invoice and recommended that procedure. Delta City is presently paying by invoice, he noted.

MAYOR GRANT NIELSON: APPOINTMENT OF A DEPUTY RECORDER

Mayor Nielson said that due to the recent surgery and absence of Delta City Recorder Dorothy Jeffery, a Deputy City Recorder should be appointed. Mayor Nielson recommended that City Manager Jim Allan be appointed as Deputy Recorder.

Council Member Don Dafoe MOVED to appoint City Manager Jim Allan as Deputy Recorder to act in the City Recorder's absence. Council Member Ruth Hansen SECONDED the motion. The motion passed unanimously.

JACK FOWLES, PLANNING AND ZONING COMMISSION CHAIRMAN: RECOMMENDATION FOR ABANDONMENT OF 2 FT 4 IN OF CITY ROAD EASEMENT FOR LOTS 9-12 OF THE WHITE SAGE SUBDIVISION

Mr. Jack Fowles, Delta City Planning and Zoning Commission Chairman, reviewed the zoning setback violation on Willow Street in the White Sage Subdivision where Pendray Construction built a house foundation too close to the street on Lot 12. Ray Valdez, Delta City Building Inspector, discovered the violation only after construction had begun. When the mistake was discovered, Mr. Pendray requested a ruling on what was necessary to bring the lot into compliance. Mr. Fowles said the Planning and Zoning Commission reviewed this issue and recommended that 2 ft. 4 in. of the street right of way on lots 9 through 12 be vacated.

Mr. Robert Pendray said he has talked with Mr. Al Pitzer of Intermountain Power Project (IPP) and obtained on Lots 8, 9 and 10 owned by Intermountain Power Agency (IPA) a teletyped Petition To Vacate Street. Mr. Pendray said he also has petitions to narrow the street from DeeRay Nielson and James Mitchell, the owners of Lots 11 and 13, respectively.

Council Member Don Dafoe MOVED that Delta City prepare an ordinance vacating 2 ft 4 in. of the road right-of-way fronting Lots 8 through 13 in the White Sage Subdivision, based on the petitions from the adjoining landowners. Council Member Ruth Hansen SECONDED the motion. The motion passed unanimously.

JACK FOWLES, PLANNING AND ZONING COMMISSION CHAIRMAN: RECOMMENDATION FOR PUBLIC HEARING TO RECEIVE PUBLIC COMMENT AND APPROVAL OF ZONE CHANGE IN LOT 1, 2, AND 3, BLOCK 12 AND LOT 2, BLOCK 33 TO R-4C

Mr. Fowles next presented the Planning and Zoning Commission recommendation to approve a zone change in Lots 1, 2, and 3, Block 12 and Lot 2, Block 33 from R-2 to R-4C after the proper advertising period and public hearing.

Council Member Craig Greathouse MOVED to set a Public Hearing on the zone change for November 19, 1984, at 6:30 p.m. Council Member Don Dafoe SECONDED the motion. The motion passed unanimously.

CITY ENGINEER JOHN QUICK: APPROVAL OF STORM DRAIN BID

Mayor Grant Nielson explained that City Engineer John Quick was unable to attend the Council meeting, and asked Public Works Superintendent Neil Forster to present a report on the bid for the Storm Drainage Improvement Project, Phase I. Mr. Forster stated that all the paper work necessary for the actual notice to proceed to Ron Johnson Construction Company is not complete.

Mr. Forster reported that Ron Johnson Construction has done work on both phases of the Water Improvement Project. Ron Johnson Construction Company is the low bidder on the storm drainage project. Mr. Forster said neither he nor John Quick have problems with Mr. Johnson as a general contractor. All the projects have been well done with the exception of the clean up and a few minor details at the end, some of which remain to be completed.

Because of this remaining work, Mr. Forster recommended that the Council wait until the next Council Meeting to make a decision whether to accept this bid. Mr. Forster said that he cannot at this time recommend award of the bid to Ron Johnson Construction.

Council Member Neil Dutson MOVED to postpone awarding the bid on the installation until the November 5, 1984 Council meeting, but to award the materials supply bid to Geneva Pipe at \$158,403.50 at this time. Council Member Don Dafoe SECONDED the motion, which passed unanimously.

CITY MANAGER JIM ALLAN: ST. JOHN'S CATHOLIC CHURCH REQUEST TO USE CITY COUNCIL CHAMBERS FOR WEEKLY CHURCH SERVICES AND OTHER CHURCH MEETINGS

City Manager Jim Allan and City Attorney Warren Peterson presented discussion on the legal ramifications of allowing a church congregation to use the Council Chambers for meetings, the availability of the building on Sunday, and the rent that would be charged.

Council Member Neil Dutson MOVED to table this issue until a representative from the Catholic Church comes before the City Council. Council Member Ruth Hansen SECONDED the motion, which passed unanimously.

CITY MANAGER JIM ALLAN: RATIFICATION OF APPLICATION TO COMMUNITY IMPACT BOARD TO FORGIVE LOAN ON MILLARD COMMUNITY COUNCIL FUNDING

City Manager Jim Allan stated that, because of the then-pending development of the Intermountain Power Plant (IPP), a non-interest bearing loan dated 1 March 1979, between Delta City and the Natural Resources Community Impact Board was awarded in the amount of \$119,000. The purpose of the funding was to develop a comprehensive land use plan for Millard County and the incorporated jurisdictions within the County. Mr. Allan noted that, although Delta City was the contracting agency, the money went to the Millard County Community Council for the development of the comprehensive land use plan. Delta was selected as the contracting agency because the Board had to contract with a taxing entity to award the funds. Mr. Allan stated that the loan was due within five years after the IPP plans became operational and contained a provision to convert the loan to a grant if IPP failed.

Mayor Grant Nielson, City Manager Jim Allan and County Administrator Robyn Pearson requested from the Community Impact Board that the loan be forgiven and converted to a grant for the following reasons:

1. According to the Natural Resources Community Impact act, then in existence, the Board had the power to forgive under extenuating circumstances all or part of an agency's or subdivision's liability to repay.
2. The loan was to have been repaid by the Millard County Community Council which no longer exists.
3. Delta City had pledged revenues to repay the loan.
4. Delta City Community, Millard County, and the State of Utah have been well served by having the money since it has been used for the benefit of all.

Mr. Allan stated that the Board approved the funding originally at a time when this project was the first of its kind. Consequently, the CIB felt it would be difficult to hold Delta City accountable for repayment of the loan. The CIB under these circumstances granted Delta City's request and converted the loan into a grant.

No Council action was taken on this item.

OTHER BUSINESS

Bids and specifications for purchase of a vehicle for Alan Riding, Assistant Public Works Director. The Council concurred that a 1984 model was recommended, but questioned the need for a two-tone paint job or an AM/FM radio.

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The Council members requested that the following items be placed on the agenda for the November 5, 1984, Council Meeting:

1. St. John's Catholic Church Request
2. Street Lights

Council Member Don Dafoe MOVED to adjourn the meeting. Council Member Neil Dutson SECONDED the motion. The motion carried and Mayor Nielson declared the meeting adjourned at 9:20 p.m.

  
GRANT S. NIELSON, Mayor

Attest:   
DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: March 25, 1985